

REMARKS

Claims 1-15 and 21-25 are pending in the present application. The Office Action of October 30, 2008 objected to the specification and the drawings of the present application. Claims 1-15 and 21-25 were rejected under 35 USC §112 ¶2 as being indefinite. Claims 1-8, 10-15, 21, 22, 24 and 25 were rejected under 35 USC §102(b) as being anticipated by US Pat. No. 3,542,094 (Gibson). Claims 9 and 23 were rejected under 35 USC §103(a) as being unpatentable over Gibson. Applicant hereby addresses each ground of rejection and objection described above. Claims 26-30 are hereby added, and claims 4, 11, 21, 24 and 25 are hereby cancelled.

1. Objections to the Specification and the Drawings

The Office Action of October 30, 2008 objected to the language and the format of the abstract. The abstract is hereby amended to comply with the guidelines for the preparation of abstracts described in MPEP 608.01(b). The amended abstract is based on amended claims 1 and 5. Applicant asserts that amended claims 1 and 5, in addition to the other amended claims, are supported by at least the specification and the drawings as filed, and therefore no new matter has been added.

The specification was also objected to due to missing subtitles, such as “Background of the Invention”, “Summary of the Invention”, and the like. However, Applicant respectfully asserts that these subtitles were added to the present application in a preliminary amendment filed January 12, 2005. Therefore, Applicant respectfully requests that the objection to the specification for this reason is withdrawn.

The Office Action objected to the drawings for various reasons. For example, the Office Action stated that the “moving part” of claims 4, 5, 11 and 25 must be shown in the figures or cancelled from the claims. The “moving part” is hereby removed from claim 5. Furthermore, the remaining claims that included the “moving part” (*i.e.*, claims 4, 11 and 25) are hereby cancelled.

The Office Action also stated that the drawings include reference numerals (11 and 13) not mentioned in the description. Applicant respectfully notes that reference numeral 11 is found in the first paragraph of page 9 of the substitute specification filed with the preliminary

amendment of January 12, 2005. Applicant hereby amends this paragraph to correct the clear typographical error of referencing numeral 17 instead of 13. Applicant asserts that no new matter has been added.

Furthermore, the Office Action stated that reference numeral 5 has been used to designate multiple elements. As such, the feature “the fastening means 5” on page 6 of the substitute specification filed with the preliminary amendment is hereby replaced with “the fastening means”.

Applicant notes that each of the objections to the drawings has been addressed by amendment to the specification, and therefore corrected drawings sheets in compliance with 37 CFR 1.121(d) have not been submitted.

2. Claims Rejected Under 35 USC §112 ¶2

Claims 1-15 and 21-25 were rejected under 35 USC §112 ¶2 as being indefinite for various reasons. For example, the Office Action stated that the use of the terms “it”, “their”, and “them” made some of the claims unclear. These terms are hereby replaced by clear and positively recited elements.

The Office Action also stated that claims 5-15 and 21-25 include elements that are not positively recited (*i.e.*, the guide bar and the saw chain) rendering the scope of the claims unclear. The claims are hereby amended to clearly define the features related to, *e.g.*, the sawing apparatus of claim 5. The features of claim 5 are hereby rearranged for clarity and to avoid functional recitations related to the guide bar and the saw chain. The “moving part” is also hereby removed from claim 5 as described above. Similarly, features are hereby added to claim 1 such that claim 1 should now be in conformity with claim 5. Originally, claim 1 did not mention the features “a guide bar holder”, “a frame part for turning the guide bar” and “connected to a guide bar holder”.

Furthermore, the Office Action stated that it was unclear if claims 1-15 and 21-25 intended to invoke 35 USC §112 ¶6 when using the phrase “by means”. As such, Applicant hereby amends claims 1 and 3 to remove the phrase “by means”. For the above reasons, Applicant respectfully requests that the rejection under 35 USC §112 ¶2 is withdrawn.

3. Claims Rejected Under 35 USC §102(b) As Being Anticipated By Gibson

Claims 1-8, 10-15, 21, 22, 24 and 25 were rejected under 35 USC §102(b) as being anticipated by Gibson. Applicant respectfully asserts that the sawing apparatus of Gibson does not disclose all the claimed features of the sawing apparatus as claimed in amended claims 1 and 5. For example, Gibson shows a sprocket guard 20 attached to a saw bar mechanism 10 and covering a sprocket 40 in all directions. The sprocket guard protects the sprocket and a motor 38 against hits to the ground; *i.e.*, it is a shielding structure. Gibson does not disclose or suggest problems, features or functions related to a breaking saw chain.

Additionally, Gibson shows the motor saw and the saw bar mechanism being attached to the lower end of a head 14. Furthermore, Figure 1 of Gibson shows an actuator attached to the lower end of the head but the specification is completely silent about the technical character of the actuator. However, the saw bar 12 of the saw bar mechanism must be moved to effect sawing. The figures of Gibson do not clearly show whether there is, *e.g.*, a directional movement of the lower end of the head or, *e.g.*, a rotational movement, or any other type of movement of the lower end of the head for cutting a tree.

Therefore, regarding amended claim 1, Gibson does not disclose “conducting the sawing of a tree trunk by rotating the guide bar holder (*i.e.* the mounting plate 18 of Gibson) around a first rotation axis”. Gibson does not disclose a rotational movement around a specific rotation axis. Regarding claim 5, Gibson does not disclose “a guide bar holder configured to rotate around a first rotation axis”.

Additionally, Gibson shows a bracket 34 of the head having a motor mounting plate 36 in Figures 1 and 3. A mounting block 22 is mounted rigidly on the bracket (column 2 lines 9-21). Two spring assemblies 24 normally hold the bar mounting plate 18 rigidly on the mounting block and permit the bar mounting plate and the saw bar to snap downwardly to release the bar mounting plate when a force on the saw bar reaches a set maximum safe limit. Gibson does not show a rotational movement of the bar mounting plate with respect to the bracket, the motor mounting plate, the mounting block or the head.

Therefore, regarding claim 1, Gibson does not disclose “rotating the guide bar holder (*i.e.* the bar mounting plate 18 of Gibson) ... with respect to a frame part (*i.e.* the bracket 34 or the motor mounting plate 36) for turning the guide bar (*i.e.* the saw bar 12) during the sawing,

wherein the frame part is configured for supporting the sawing apparatus (*i.e.* a hydraulic motor 38, the sprocket 40, the bar mounting plate 18, the mounting block 22 and the spring assemblies 24)". Regarding claim 5, Gibson does not disclose the feature "a guide bar holder configured to rotate ... with respect to the frame part for turning the guide bar during the sawing of a tree trunk". As such, Applicant respectfully requests that the rejection of claims 1 and 5 under 35 USC §102(b) as being anticipated by Gibson is withdrawn. Applicant also respectfully requests that the rejection of claims dependent on claims 1 and 5 (*e.g.*, claims 2-3, 6-10, 12-15, and 22-23) under 35 USC §102(b) as being anticipated by Gibson is withdrawn.

4. Claims Rejected Under 35 USC §103(a) As Being Unpatentable Over Gibson

Claims 9 and 23 were rejected under 35 USC §103(a) as being unpatentable over Gibson. However, Applicant respectfully asserts that claim 5, the claim from which claims 9 and 23 depend, is in condition for allowance for at least the aforementioned reasons. As such, Applicant respectfully requests that the rejection of claims 9 and 23 under 35 USC §103(a) as being unpatentable over Gibson is withdrawn.

5. New Claims

Claims 26-30 are hereby added. Claim 26 is supported at least by the figures of the application. Claim 27 is supported at least by the first paragraph of page 6 of the substitute specification filed with the preliminary amendment, which states, "The function is preferably arranged in such a manner that the holder 3 rotates around the rotation axis A, which is at the same time the rotation axis of the saw motor 5 and the drive gear 4," and the first paragraph of page 7, which states, "Thus, the saw motor remains in its place when the holder 3 rotates". Other portions of the specification also mention that the sawing apparatus further comprises a saw motor for driving the drive gear, wherein the guide bar holder is configured to rotate around the first rotation axis with respect to both the frame part and the saw motor. In contrast, Gibson does not disclose that the bar mounting plate 18 rotates around the hydraulic motor 38.

Claims 28 and 30 are supported at least by claim 5 as filed. Claim 29 is supported at least by the first paragraph of page 10 of the substitute specification filed with the preliminary


amendment, which states "In a special embodiment the inner side of the walls of the device 7 is coated with flexible or soft rubber or plastic material that protects the cutting teeth of the saw chain 6 from becoming blunt when the saw chain 6 for some other reason jumps off the drive gear 4 and is not broken."

It is respectfully submitted that these amendments place this application into condition for allowance. A three-month extension of time is filed herewith such that this response is considered timely filed. Please charge any other fees that may be due, or credit any overpayment, to Deposit Account No. 17-0055.

Respectfully submitted,

MARKKU ANNALA

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